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**DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE
BOARD OF CHIROPRACTIC MEDICINE**

**MINUTES – DRAFT
GENERAL BUSINESS MEETING**

**Hyatt Regency Grand Cypress
1 Grand Cypress Boulevard
Orlando, FL 32836**

April 4, 2014

Agenda items are subject to being taken up at any time during the meeting. Participants in this public meeting should be aware that these proceedings are being recorded and that an audio file of the meeting will be posted to the board's website.

General Board Business started: 8:38 a.m.

CALL TO ORDER:

Dr. Kevin Fogarty, as Chair in the absence of the chair, called the meeting to order at 8:38 a.m.
Those present for all or part of the meeting included the following:

BOARD MEMBERS PRESENT:

Kevin Fogarty, D.C., FICA (hon.), Chair
Ms. Linda Reynolds, B.S., Vice-Chair
Ron Wellikoff, B.S., D.C., FICC (hon.), FACC (hon.)
Christopher Fox, D.C.
Danita Heagy, D.C.
Julie Hunt, D.C., DICCP
Ms. Ruth Pelaez

BOARD STAFF:

Sharon Guilford, Program Operations Administrator
Michele Jackson, Regulatory/Supervisor Consultant

BOARD COUNSEL:

Deborah Loucks, Assistant Attorney General
Office of Attorney General

PROSECUTING ATTORNEY:

Tari Rossitto-Van Winkle, Assistant General Counsel
Monique Bryan, Assistant General Counsel
Department of Health

COURT REPORTER:

Official Court Reporting
(954) 467-8204

1 **BUREAU OF ENFORCEMENT UPDATE:**

2
3 **Violations Found in Disciplinary Actions – Chiropractic Physicians**

4
5 Ms. Susie Love, Bureau Chief of Enforcement and Mr. Mark Whitten, Bureau Chief of
6 Investigative Services provided an overview of the complaint and disciplinary process.

7
8 The board addressed several concerns as follows:

- 9
10
 - difficulty in filing a complaint
 - 11 • office work more quickly on 2nd time violators
 - 12 • emergency suspensions
 - 13 • advertising violations (DC vs. MD)
 - 14 • FBI, Taskforce, AHCA DCF, AG, etc.

15
16 Ms. Towanda Burnett, Compliance Officer with the Bureau of Enforcement, provided an
17 overview of the information presented to the board for the disciplined cases.

18
19 **APPROVAL OF MINUTES:**

20
21 **January 3, 2014 – Full Board Meeting**

22
23 Dr. Fogarty noted the corrections to Page 1, Line 22, “removed the absence of the chair”;
24 page 10, line 8, “The board warned the University of Bridgeport of their CE practice”.

25
26 **Dr. Wellikoff moved to approve with noted corrections. The motion was seconded**
27 **and carried 7/0.**

28
29 **General Board Business ended: 8:45 a.m.**

30 **Disciplinary Actions started: 8:45 a.m.**

31
32 **FINAL ORDER ACTIONS:**

33
34 **Motions for Final Order by Settlement Agreement:**

35
36 **Bryan Abasolo, D.C. – Case Number 11-14961**
37 **PCP: Drs. Fogarty/Wolfson**

38
39 Dr. Abasolo was present, sworn and was represented by Ms. Rachel Mervis, Esq.

40
41 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 42
 - Sections 460.413(1)(m), F.S. and/or 460.413(1)(ff), F.S. and/or Rule 64B2-17.0065,
 - 43 F.A.C.
 - 44 • Sections 460.413(1)(n), F.S. and/or 460.413(1)(ff), F.S. and/or Rule 64B2-17.005, F.A.C.
 - 45 (Dismissed)
 - 46 • Section 460.413(1)(r), F.S. (Dismissed)

1
2 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the follow-
3 ing provisions:

- 4 • letter of concern
- 5 • administrative fine of \$1,000.00
- 6 • administrative costs of \$19,487.33
- 7 • patient reimbursements
- 8 • completion of three (3) continuing education hours in the areas of risk management, two
- 9 (2) in laws and rules, six (6) continuing education hours in the areas of recordkeeping,
- 10 documentation and coding, two (2) hours in Ethics within one year of the filing of the Fi-
- 11 nal Order
- 12 • dismissing Counts II and III
- 13 • imposed monitoring as defined in the Final Order
- 14 • monitor shall submit reports as defined in the Final Order
- 15 • monitor and respondent shall appear before the board at such time as directed by the
- 16 board
- 17 • respondent may request for early termination from probation with the advice of the moni-
- 18 tor
- 19 • tolling provision applies

20
21 Ms. Mervis addressed the board on behalf of her client. The respondent also addressed the board.

22
23 Discussion ensued.

24
25 **Dr. Wellikoff moved to accept the settlement agreement but would also include the**
26 **monitor to specialize in pediatrics. The motion was seconded and carried 6/0.**

27
28 **Erin K. Petrauskas, D.C. – Case Number 13-09131**

29 **PCP: Drs. Fogarty/Wolfson**

30
31 Dr. Petrauskas were neither present nor represented by counsel.

32
33 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 34 • Sections 460.413(1)(k), 460.413(1)(i), and 460.413(1)(ff), F.S. and Rule 64B2-13.007,
- 35 F.A.C.

36
37 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the follow-
38 ing provisions:

- 39 • letter of concern
- 40 • administrative fine of \$2,500.00
- 41 • administrative costs of \$1,167.19
- 42 • indefinite suspension, however, the respondent shall be permitted to petition the board for
- 43 an order lifting the indefinite suspension at any time after the respondent has attended a
- 44 board meeting to satisfy the requirements of 64B2-13.007, F.A.C.
- 45 • retain jurisdiction and have absolute discretion to impose additional terms and conditions
- 46 of reinstatement not listed in the settlement agreement; if the indefinite suspension is in
- 47 effect for more than four (4) years, respondent shall comply with additional conditions as
- 48 defined in the Final Order prior to having the indefinite suspension lifted

- completion of three (3) continuing education hours in the areas of risk management, and two (2) hours in laws and rules
- attend two (2) chiropractic board meetings within two (2) years

Discussion ensued.

Ms. Reynolds moved to accept the settlement agreement. The motion was seconded and carried 6/0.

Marc A. Rachbind, D.C. – Case Number 10-16467
PCP: Drs. Harding/Hoffman

Dr. Rachbind was present, sworn and was represented by Mr. Michael Del, Esq.

Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- Sections 460.413(1)(m), 460.413(1)(ff), F.S. and/or Rule 64B2-17.0065, F.A.C.
- Section 460.413(1)(n), F.S. (Dismissed)
- Section 460.413(1)(ff), by violating any provision of Chapter 460, specifically Section 460.411(1)(a), F.S.
- Section 460.413(1)(r), F.S.

Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the following provisions:

- letter of concern
- administrative fine of \$2,500.00
- administrative costs of \$13,186.30
- completion of continuing education - two (2) hours in laws and rules, two (2) hours regarding MRIs, and six (6) continuing education hours in the areas of recordkeeping, documentation and coding within one year of the filing of the Final Order
- probation for a period of two (2) years as defined in the Final Order
- dismissing Count II
- imposed monitoring as defined in the Final Order
- monitor shall submit reports as defined in the Final Order
- monitor and respondent shall appear before the board at such time as directed by the board
- tolling provision applies

Mr. Del addressed the board on behalf of his client. The respondent also addressed the board.

Discussion ensued.

Dr. Wellikoff moved to accept the settlement agreement. The motion was seconded and carried 6/0.

William N. Rivera, D.C. – Case Number 13-04812
PCP: Drs. Fogarty/Wolfson

Dr. Rivera was neither present nor represented by counsel.

1 Ms. Bryan informed the board that the respondent had violated:

- 2 • Section 460.413(1)(v), F.S.

3
4 Ms. Bryan advised the board that the settlement agreement contained the following provisions:

- 5 • reprimand
- 6 • administrative fine of \$1,000.00
- 7 • administrative costs of \$1,930.91
- 8 • completion of continuing education – five (5) hours in Ethics and Boundaries, laws and
- 9 rules affidavit
- 10 • attend two (2) chiropractic board meetings within two (2) years
- 11 • met all terms of Final Order DOH-11-2948-FOI-MQA in case number 2010-19870

12
13 Discussion ensued.

14
15 **Ms. Reynolds moved to accept the amended settlement agreement. The motion was**
16 **seconded and carried 6/0.**

17
18 **Jesus K. Rosario, D.C. – Case Number 09-11342**

19 **PCP: Drs. Fogarty/Wolfson**
20

21 Dr. Rosario was present, sworn and was represented by Mr. Henry Rubinstein, Esq.

22
23 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 24 • Sections 460.413(1)(m), 460.413(1)(ff), F.S. and/or Rule 64B2-17.0065, F.A.C.
- 25 • Section 460.413(1)(n), F.S.
- 26 • Section 456.072(1)(ee), F.S.
- 27 • Section 460.413(1)(u), F.S.
- 28 • Section 460.413(1)(k), F.S.

29
30 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the follow-
31 ing provisions:

- 32 • reprimand
- 33 • administrative fine of \$10,000.00
- 34 • administrative costs of \$19,230.86
- 35 • completion of continuing education – three (3) hours in Risk Management, two (2) hours
- 36 in laws and rules, and six (6) continuing education hours in the areas of recordkeeping,
- 37 documentation and coding within one year of the filing of the Final Order
- 38 • successfully complete and pass the Ethics and Boundaries Examination administered by
- 39 the National Board of Chiropractic Examiners (NBCE)
- 40 • probation for a period of four (4) years
- 41 • imposed monitoring as defined in the Final Order
- 42 • monitor shall submit reports as defined in the Final Order
- 43 • monitor and respondent shall appear before the board at such time as directed by the
- 44 board
- 45 • tolling provision applies

46
47 Mr. Rubinstein addressed the board on behalf of his client. The respondent also addressed the
48 board.
49

1 Discussion ensued.

2
3 **Dr. Wellikoff moved to reject the settlement agreement. The motion was seconded**
4 **and carried 6/0.**

5
6 Further discussion ensued.

7
8 **Dr. Wellikoff moved to accept the counter agreement to include all the items listed**
9 **in the settlement agreement but to eliminate the Ethics, and to add the following: 50**
10 **hours of community services within one year, and write a 500-1,000 word article to**
11 **the disciplinary compliance committee and have it published with the FCS and**
12 **FCA. The motion was seconded and carried 6/0.**

13
14 The department accepted the agreement.

15
16 **Motions for Final Order After a Hearing Not Involving Disputes Issues of Material**
17 **Facts:**

18
19 **Sean P. Trujillo, D.C. – Case Number 13-12482**
20 **PCP: Drs. Fogarty/Wolfson**

21
22 Dr. Trujillo was present, sworn and was represented by Mr. Edwin Bayo, Esq.

23
24 Ms. Bryan informed the board that the respondent had violated:

- 25 • Section 460.416(1)(c), F.S.
- 26 • Section 456.072(1)(ii), F.S.
- 27 • Section 456.072(1)(x), F.S.
- 28 • Section 460.413(1)(b), F.S.
- 29 • Section 460.413(1)(i), F.S.

30
31 **Dr. Fox moved to accept the investigative report and all case materials including all**
32 **confidential and addendum materials, if any, into evidence in these proceedings.**
33 **The motion was seconded and carried 6/0.**

34
35 **Dr. Heagy moved that the respondent was properly served by certification and re-**
36 **quested an informal hearing. The motion was seconded and carried 6/0.**

37
38 **Dr. Heagy moved to adopt the findings of fact into evidence as alleged in the admin-**
39 **istrative complaint as alleged in the administrative complaint. The motion was sec-**
40 **onded and carried 6/0.**

41
42 Mr. Bayo addressed the board on behalf of his client. The respondent also addressed the
43 board.

44
45 **Dr. Heagy moved to adopt the conclusions of law and find that the respondent was**
46 **in violation as alleged in the administrative complaint. The motion was seconded**

1 and carried 6/0.

2
3 **Dr. Fox moved that the violation constitutes a violation of the Practice Act. The mo-**
4 **tion was seconded and carried 6/0.**

5
6 Ms. Bryan recommended the following penalty:

- 7 • Indefinite suspension for a period of 20 years
- 8 • Administrative fine of \$36,500

9
10 Discussion ensued.

11
12 Dr. Wellikoff stated that the board may deviate from the disciplinary guidelines

13
14 **Dr. Fogarty moved to accept the department's recommendation to suspension until**
15 **June 1, 2015, 50 hours of community service within one year in a non-specified area,**
16 **six (6) continuing education hours in the areas of recordkeeping, documentation and coding**
17 **completed prior to requesting the lifting of the suspension. The payment of**
18 **\$2,500.00 prior to requesting reinstatement, and retain jurisdiction. The motion was**
19 **seconded and carried 6/0.**

20
21 Discussion ensued.

22
23 **Dr. Wellikoff moved to assess costs in the amount of \$142.74, payable prior to the**
24 **request for reinstatement. The motion was seconded and carried 6/0.**

25
26 **Disciplinary Actions ended: 12:00 p.m.**

27 **Other Disciplinary Actions started: 12:00 p.m.**

28
29 **Disciplinary Compliance – Dr. Fogarty**

30
31 **Wendy L. Flynn, D.C. – Case Number 08-18046 – Termination of**
32 **Probation**

33
34 Dr. Flynn was present but was not represented by counsel.

35
36 Dr. Fogarty provided a brief overview of Dr. Flynn's progress. The monitor was excused
37 from participating. She practices in Florida and ILL and receives cash only from pa-
38 tients. She had completed additional continuing education over and beyond the

39
40 Discussion ensued.

41
42 **Dr. Wellikoff moved to approve the request for termination of probation. The mo-**
43 **tion was seconded and carried 7/0.**

44
45 **Other Disciplinary Actions ended: 12:07 p.m.**

46 **Disciplinary Actions started: 12:07 p.m.**

1
2 **Motions for Final Order After a Hearing Not Involving Disputes Issues of Material**
3 **Facts: (cont.)**

4
5 **Richie Cabigting, D.C. – Case Number 13-06269**
6 **PCP: Drs. Heagy/Jenkins**
7

8 Dr. Cabigting was present, sworn and represented by Mr. Joseph Brooks, Esq.
9

10 Ms. Bryan informed the board that the respondent had violated:

- 11 • Section 460.416(1)(c), F.S.
 - 12 • Section 456.072(1)(ii), F.S.
- 13

14 Ms. Bryan stated a copy of the judgment was provided to the board.
15

16 **Ms. Reynolds moved to accept the investigative report and all case materials includ-**
17 **ing all confidential and addendum materials, if any, into evidence in these proceed-**
18 **ings. The motion was seconded and carried 6/0.**
19

20 **Ms. Reynolds moved that the respondent was properly served by certification and**
21 **requested an informal hearing. The motion was seconded and carried 6/0.**
22

23 **Dr. Wellikoff moved to adopt the findings of fact into evidence as alleged in the ad-**
24 **ministrative complaint as alleged in the administrative complaint. The motion was**
25 **seconded and carried 6/0.**
26

27 **Dr. Wellikoff moved to adopt the conclusions of law and find that the respondent**
28 **was in violation as alleged in the administrative complaint. The motion was sec-**
29 **onded and carried 6/0.**
30

31 Mr. Brooks addressed the board on behalf of his client.
32

33 **Dr. Wellikoff moved that the violation constitutes a violation of the Practice Act.**
34 **The motion was seconded and carried 6/0.**
35

36 Ms. Bryan recommended the following penalty:

- 37 • Suspension for a period of 50 or 100 years
- 38

39 Discussion ensued.
40

41 Dr. Wellikoff stated that the board may deviate from the disciplinary guidelines.
42

43 Therefore, the following action was taken:
44

45 **Dr. Fogarty moved to accept the department's recommendation to issue an indefi-**
46 **nite suspension may petition for early termination after a period of 25 years, suc-**

1 cessional completion of the SPEC examination, six (6) continuing education hours in the
2 areas of recordkeeping, documentation and coding, but shall be required to complete a
3 criminology course and the board to retain jurisdiction. The motion was seconded
4 and carried 6/0.

5
6 Discussion ensued.

7
8 **Dr. Wellikoff moved to assess costs in the amount of \$202.62, payable within 30**
9 **days. The motion was seconded and carried 6/0.**

10
11 **Motions for Determination of Waiver and For Final Order by Hearing Not Involv-**
12 **ing Disputed Issues of Material Fact:**

13
14 **Disciplinary Actions ended: 12:42 p.m.**

15 **Application Actions started: 12:42 p.m.**

16
17 **APPLICANTS PRESENTED FOR BOARD REVIEW:**

18
19 **Stacey K. Raya, D.C.**

20
21 Dr. Raya was present, sworn and was represented by Mr. Edwin Bayo, Esq.

22
23 Ms. Loucks stated that the application was before the board due to answering “Yes” to
24 the disciplinary history question. The board office also received additional information
25 from the NPDB. The applicant had disciplinary actions taken in Connecticut Board of
26 Chiropractic Examinations.

27
28 Mr. Bayo addressed the board on behalf of his client. The applicant also addressed the
29 board.

30
31 Discussion ensued.

32
33 **Dr. Fox moved to approve the application. The motion was seconded and carried**
34 **7/0.**

35
36 **Application Actions ended: 12:48 p.m.**

37 **Disciplinary Actions started: 12:48 p.m.**

38
39 **Motions for Final Order After a Hearing Not Involving Disputes Issues of Material**
40 **Facts: (cont.)**

41
42 **Nathan D. Keiser, D.C. – Case Number 13-09133**

43 **PCP: Drs. Fogarty/Wolfson**

44
45 Dr. Keiser was present, sworn but was not represented by counsel.

1 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 2 • Section 456.072(1)(k), F.S., 460.413(1)(i), and/or 460.413(1)(ff), F.S.

3
4 **Dr. Hunt moved to accept the investigative report and all case materials including**
5 **all confidential and addendum materials, if any, into evidence in these proceedings.**
6 **The motion was seconded and carried 6/0.**

7
8 **Dr. Heagy moved that the respondent was properly served by certification and**
9 **failed to respond. The motion was seconded and carried 6/0.**

10
11 **Dr. Heagy moved to adopt the findings of fact into evidence as alleged in the admin-**
12 **istrative complaint and conclusions of law and find that the respondent was in viola-**
13 **tion as alleged in the administrative complaint. The motion was seconded and car-**
14 **ried 6/0.**

15
16 Dr. Keiser addressed the board.

17
18 **Dr. Heagy moved that the violation constitutes a violation of the Practice Act. The**
19 **motion was seconded and carried 6/0.**

20
21 Discussion ensued.

22
23 **Dr. Heagy moved to dismiss the Administrative Complaint. The motion was sec-**
24 **onded and carried 6/0.**

25
26 Ms. Loucks requested the respondent if he would waive the right to asking for costs in
27 the case.

28
29 Dr. Keiser concurred.

30
31 Ms. Rossitto-Van Winkle accepted withdrawing their request for costs.

32
33 **Motions for Final Order by Settlement Agreement (cont.)**

34
35 **David M. Gladstone, D.C. – Case Number 11-18561**
36 **PCP: Drs. Fogarty/Wolfson**

37
38 Dr. Gladstone was not present but was represented by Ms. Rachel Mervis, Esq.

39
40 Ms. Rossitto-Van Winkle stated that Dr. Gladstone was not required to appear due to currently
41 working and living out of state. However, she provided a copy of the deposition to the board.

42
43 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 44 • Sections 460.413(1)(m), F.S. and/or 460.413(1)(ff), F.S. and/or Rule 64B2-17.0065,
45 F.A.C.
- 46 • Sections 460.413(1)(n), F.S. and/or 460.413(1)(ff), F.S. and/or Rule 64B2-17.0065,
47 F.A.C. (Dismissed)

- 1 • Section 460.413(1)(r), F.S. (Dismissed)

2
3 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the follow-
4 ing provisions:

- 5 • letter of concern
6 • administrative fine of \$1,000.00
7 • administrative costs of \$23,044.37
8 • completion of three (3) continuing education hours in the areas of risk management, two
9 (2) in laws and rules, six (6) continuing education hours in the areas of recordkeeping,
10 documentation and coding, two (2) hours in Ethics within one year of the filing of the Fi-
11 nal Order
12 • probation for a period of one (1) year as defined in the Final Order
13 • dismissing Counts II and III
14 • imposed monitoring as defined in the Final Order
15 • monitor shall submit reports as defined in the Final Order
16 • monitor and respondent shall appear before the board at such time as directed by the
17 board
18 • respondent may request for early termination from probation with the advice of the moni-
19 tor
20 • tolling provision applies

21
22 Ms. Rossitto-Van Winkle stated that the monitoring would be tolled until he returns to practice in
23 the state of Florida.

24
25 Ms. Mervis addressed the board on behalf of his client. The respondent also addressed the board.

26
27 Discussion ensued.

28
29 **Dr. Wellikoff moved to accept the settlement agreement. The motion was seconded**
30 **and carried 6/0.**

31
32 **Motions for Final Order by Voluntary Relinquishment:**

33
34 **Juan F. Avon, C.C.P.A. – Case Number 13-07915**
35 **PCP: Waived**

36
37 Mr. Avon was neither present nor represented by counsel.

38
39 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 40 • Sections 456.072(1)(c)(k)(dd)(ii), F.S.

41
42 Ms. Rossitto-Van Winkle stated that the respondent requested the board to accept the voluntary
43 relinquishment of the license.

44
45 **Dr. Wellikoff moved to approve the respondent's request to voluntary relinquish the li-**
46 **cense. The motion was seconded and carried 7/0.**

47
48 **Aaron G. Freedlander, D.C. – Case Number 13-07919**
49 **PCP: Waived**

1
2 Dr. Freedlander was neither present nor represented by counsel.

3
4 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 5
 - Sections 456.072(1)(c)(k)(dd)(ii), F.S.6

7 Ms. Rossitto-Van Winkle stated that the respondent requested the board to accept the voluntary
8 relinquishment of the license.

9
10 **Dr. Heagy moved to approve the respondent's request to voluntarily relinquish the license.**
11 **The motion was seconded and carried 7/0.**

12
13 **Motions for Determination of Waiver and For Final Order by Hearing Not Invol-**
14 **ving Disputed Issues of Material Fact:**
15 **(cont.)**

16
17 **William T. Labonte, D.C. – Case Number 13-11680**

18 **PCP: Drs. Fox/LaRusso**

19
20 Dr. Labonte was neither present nor represented by counsel.

21
22 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 23
 - Section 460.413(1)(v), F.S. (2 counts)24

25 **Ms. Reynolds moved to accept the investigative report and all case materials includ-**
26 **ing all confidential and addendum materials, if any, into evidence in these proceed-**
27 **ings. The motion was seconded and carried 6/0.**

28
29 **Dr. Wellikoff moved that the respondent was properly served by certification and**
30 **failed to respond. The motion was seconded and carried 6/0.**

31
32 **Dr. Heagy moved to adopt the findings of fact into evidence as alleged in the admin-**
33 **istrative complaint and conclusions of law and find that the respondent was in viola-**
34 **tion as alleged in the administrative complaint. The motion was seconded and car-**
35 **ried 6/0.**

36
37 **Dr. Heagy moved that the violation constitutes a violation of the Practice Act. The**
38 **motion was seconded and carried 6/0.**

39
40 Ms. Rossitto-Van Winkle recommended the following penalty:

- 41
 - reprimand
 - indefinite suspension until compliance with the previous order Final Order DOH-
43 13-0191-S-MQA, in case number 2012-00632
 - administrative fine of \$1,251.0045

46 Dr. Weigandt provided an update of the respondents monitoring progress.

1 Discussion ensued.

2
3 **Ms. Reynolds moved to accept the department's recommendation. The motion was**
4 **seconded and carried 6/0.**

5
6 **Dr. Wellikoff moved to assess costs in the amount of \$191.96. The motion was sec-**
7 **onded and carried 6/0.**

8
9 **Eric A. Wiegandt, D.C. – Case Number 13-07012**
10 **PCP: Drs. Fogarty/Wolfson**

11
12 Dr. Wiegandt was neither present nor represented by counsel.

13
14 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 15
 - Section 460.413(1)(v), F.S.

16
17 **Dr. Hunt moved to accept the investigative report and all case materials including**
18 **all confidential and addendum materials, if any, into evidence in these proceedings.**
19 **The motion was seconded and carried 6/0.**

20
21 **Ms. Reynolds moved that the respondent was properly served by certification and**
22 **failed to respond. The motion was seconded and carried 6/0.**

23
24 **Dr. Heagy moved to adopt the findings of fact into evidence as alleged in the admin-**
25 **istrative complaint and conclusions of law and find that the respondent was in viola-**
26 **tion as alleged in the administrative complaint. The motion was seconded and car-**
27 **ried 6/0.**

28
29 **Dr. Wellikoff moved that the violation constitutes a violation of the Practice Act.**
30 **The motion was seconded and carried 6/0.**

31
32 Ms. Rossitto-Van Winkle recommended the following penalty:

- 33
 - reprimand
 - indefinite suspension until he complies with the previous order
 - retain jurisdiction and have absolute discretion to impose additional terms and conditions of reinstatement not listed in the settlement agreement; if the indefinite suspension is in effect for more than four (4) years, respondent shall comply with additional conditions as defined in the Final Order prior to having the indefinite suspension lifted

34
35
36
37
38
39
40 Discussion ensued.

41
42 **Ms. Reynolds moved to accept the department's recommendation and retain juris-**
43 **isdiction, suspend the license until he complies with Final Order Number DOH-12-**
44 **0478-FOI-MQA, case number 2010-08957, and appears before the board. The mo-**
45 **tion was seconded and carried 6/0.**

46
47 **Dr. Hunt moved to assess costs in the amount of \$104.31. The motion was seconded**

1 and carried 6/0.

2
3 **Eric A. Wiegandt, D.C. – Case Number 13-14073**

4 **PCP: Drs. Fox/LaRusso**

5
6 Dr. Wiegandt was neither present nor represented by counsel.

7
8 Ms. Bryan informed the board that the respondent had violated:

- 9
 - Section 460.413(1)(v), F.S.

10
11 **Dr. Hunt moved to accept the investigative report and all case materials including**
12 **all confidential and addendum materials, if any, into evidence in these proceedings.**
13 **The motion was seconded and carried 6/0.**

14
15 **Dr. Heagy moved that the respondent was properly served by certification and**
16 **failed to respond. The motion was seconded and carried 6/0.**

17
18 **Ms. Reynolds moved to adopt the findings of fact into evidence as alleged in the ad-**
19 **ministrative complaint as alleged in the administrative complaint. The motion was**
20 **seconded and carried 6/0.**

21
22 **Dr. Heagy moved to adopt the conclusions of law and find that the respondent was**
23 **in violation as alleged in the administrative complaint. The motion was seconded**
24 **and carried 6/0.**

25
26 **Dr. Heagy moved that the violation constitutes a violation of the Practice Act. The**
27 **motion was seconded and carried 6/0.**

28
29 Ms. Bryan recommended the following penalty:

- 30
 - reprimand
 - indefinite suspension until compliance with previous order
 - administrative fine of \$10,000
 - administrative costs of \$104.31
 - completion of six (6) continuing education hours in the areas of recordkeeping, document-
35 and coding, SPEC examination, laws & rules examination, four (4) board
36 meetings within 2 years and sits in front row.

37
38 Discussion ensued.

39
40 **Ms. Reynolds moved to accept the department's recommendation. The motion was**
41 **seconded and carried 6/0.**

42
43 Discussion ensued.

44
45 **Dr. Heagy moved to assess costs in the amount of \$104.31, payable within**
46 **30 days. The motion was seconded and carried 6/0.**

1
2 **PROSECUTION REPORT:**

3
4 Ms. Rossitto-Van Winkle provided an overview of the prosecution report.

5
6 **Dr. Wellikoff moved to continue putting special emphasis on prosecuting the older cases**
7 **(one year and over) and to accept the prosecution report. The motion was seconded and**
8 **carried 7/0.**

9
10 **Disciplinary ended: 3:30 p.m.**
11 **General Business started: 3:30 p.m.**

12
13 **PETITIONS FOR VARIANCE/WAIVER:**

14
15 **William E. Givone, D.C. – Rule 64B2-17.006, F.A.C. – Retention of**
16 **Chiropractic Records; Time Limitations**

17
18 Dr. Givone was neither present nor represented by counsel.

19
20 Discussion ensued.

21
22 **Dr. Wellikoff moved to approve Dr. Givone's request to Petition for Variance/Waiver of**
23 **Rule 64B2-17.006, F.A.C. The motion was seconded and carried 7/0.**

24
25 **Jay M. Littlefield, II, D.C. – Rule 64B2-13.004, F.A.C. – Continuing**
26 **Education**

27
28 Dr. Littlefield was neither present nor represented by counsel.

29
30 Discussion ensued.

31
32 **Ms. Reynolds moved to approve Dr. Littlefield's request to Petition for Variance/Waiver of**
33 **Rule 64B2-13.004, F.A.C., however, requiring him to complete the laws and rules by June**
34 **30, 2014. The motion was seconded and carried 7/0.**

35
36 **General Board Business ended: 3:40 p.m.**
37 **Application Actions started: 3:40 p.m.**

38
39 **APPLICANTS PRESENTED FOR BOARD REVIEW: (cont.)**

40
41 **Brian L. Regan, D.C.**

42
43 Dr. Regan was present, sworn but was not represented by counsel.

44
45 Ms. Loucks stated that the application was before the board due to answering "Yes" to
46 the disciplinary history question. The applicant had disciplinary actions taken in Mary-
47 land and Pennsylvania.

1
2 Dr. Regan addressed the board.

3
4 Discussion ensued.

5
6 **Dr. Fox moved to approve the application. The motion was seconded and carried**
7 **7/0.**

8
9 **Douglas S. Sterban, D.C.**

10
11 Dr. Sterban was present, sworn and addressed the board.

12
13 Ms. Loucks stated that the application was before the board due to answering “Yes” to
14 question 16 on the application. The applicant had disciplinary actions taken in Tennessee
15 Board of Chiropractic Examiners.

16
17 Discussion ensued.

18
19 **Ms. Reynolds moved to approve the application. The motion was seconded and car-**
20 **ried 7/0.**

21
22 **Shaniel S. Jernigan, R.C.A.**

23
24 Ms. Jernigan was present but was not represented by counsel.

25
26 Ms. Loucks stated that the applicant had previously applied and had answered “yes” to
27 questions 4, 4c, 4d, 5, and 11 and the board denied the application. She was unable to
28 withdraw her application. The applicant reapplied and had answered “yes” to questions 5
29 and 11 which was a discrepancy. The applicant was convicted under Chapter 893, F.S.,
30 therefore, the board will have to deny or allow her to withdraw her application.

31
32 Ms. Jernigan withdrew her application.

33
34 **Dr. Heagy moved to approve the applicant’s requested to withdraw her application.**
35 **The motion was seconded and carried 7/0.**

36
37 **Heather N. Allison, R.C.A.**

38
39 Ms. Allison was neither present nor represented by counsel.

40
41 Ms. Loucks stated that the applicant had answered “yes” to question 11. She is currently
42 on probation.

43
44 Discussion ensued.

45
46 **Dr. Heagy moved to deny based on the criminal history. The motion was seconded**

1 **and carried 7/0.**

2
3 **Ailynn Morales, R.C.A.**

4
5 Ms. Morales was neither present nor represented by counsel.

6
7 Ms. Loucks stated that the applicant had answered “yes” to question 2 on the Confiden-
8 tial and Exempt from Public records Disclosure form.

9
10 Discussion ensued.

11
12 **Dr. Heagy moved to approve the application upon receiving a letter from her super-**
13 **vising physician and employer, and Ms. Perez was delegated to review the docu-**
14 **ments. The motion was seconded and carried 7/0.**

15
16 **Jessica D. Toney, R.C.A.**

17
18 Ms. Toney was neither present nor represented by counsel.

19
20 Ms. Loucks stated that the applicant had answered “yes” to question 1 on the Confiden-
21 tial and Exempt from Public records Disclosure form.

22
23 Discussion ensued.

24
25 **Dr. Heagy moved to approve. The motion was seconded and carried 7/0.**

26
27 **RATIFICATION OF LICENSURE:**

28
29 **Chiropractic Physicians**
30 **(Kler Kozic, CH 11062 – Jasmine Kennerson Perez, CH 11137)**

31
32 **Dr. Heagy moved to approve. The motion was seconded and carried 7/0.**

33
34 **Certified Chiropractic Physician Assistants**
35 **(Heather Shaulis, CI 742 – Hermann Michel Ritchie, CI 748)**

36
37 **Dr. Wellikoff moved to approve. The motion was seconded and carried 7/0.**

38
39 **Registered Chiropractic Assistants**
40 **(Megan Kathleen Marsden, RCA 12043 – Breven Serafine Gaines, RCA 12502)**

41
42 **Ms. Reynolds moved to approve. The motion was seconded and carried 7/0.**

43
44 Ms. Guilford stated that her staff Ms. Keri Meany, Regulatory Specialist II, commended
45 Dr. Wellikoff for assisting her in reviewing the continuing education providers and
46 courses.

47
48 **Application Actions ended: 4:20 p.m.**

1 **General Board Business started: 4:20 p.m.**

2
3 **DISCUSSION OF HYPERBARIC CHAMBERS**

4
5 The board requested the previous Executive Director to contact the Federation of Chiro-
6 practic Licensing Boards (FCLB), to initiate a PowerPoll survey. The board received the
7 information requested; however, is now requesting some additional information and has
8 requested the new Executive Director to contact the FCLB for our request and place it on
9 the next agenda.

10
11 **CHAIR/VICE-CHAIR REPORT:**

12
13 **Future Agenda Items**

14
15 Ms. Reynolds had no report.

16
17 Dr. Fogarty commended Ms. Reynolds for her assistance with the participation in today's
18 disciplinary proceedings.

19
20 Dr. Fogarty stated that he wanted the DCs expansion in the participation with the com-
21 munity and other good Samaritans. He requested the continuing education Rule 64B2-
22 13.004, F.A.C., to be placed on the next agenda to possibly modify the rule requiring
23 community hours.

24
25 **EXECUTIVE DIRECTOR'S REPORT:**

26
27 **Delegation of Authority**

28
29 Ms. Guilford stated according to 456, F.S., the board shall vote on a list of assignments
30 that may be delegated to members of the board, board counsel or board staff.

31
32 Ms. Loucks addressed each item on- the report and provided a summary of each assign-
33 ment.

34
35 **Dr. Fogarty moved to table the Annual Delegation Authority until the next meeting.**
36 **The motion was seconded and carried 7/0.**

37
38 **HB 7015**

39
40 Ms. Loucks provided an overview of HB 7015.

41
42 **BOARD COUNSEL'S REPORT:**

43
44 **Rules Status Report**

45
46 Ms. Loucks provided an overview of the Rules Status Report.

1 Ms. Loucks also stated that the board may want to consider revising Rule 64B2-17.0065,
2 F.A.C., Minimal Recordkeeping Standards, to clarify the rule due to a rule challenge.

3
4 Dr. Heagy and Ms. Loucks will work together in drafting the language for the next meet-
5 ing.

6
7 **COMMITTEE REPORTS:**

8
9 **Budget – Ms. Reynolds**

10
11 No report.

12
13 **CCPA – Ms. Reynolds**

14
15 Ms. Reynolds provided a brief report.

16
17 **Continuing Education – Dr. Wellikoff**

18
19 **CE Providers & Courses Approved by CE Committee**

20
21 **Ms. Reynolds moved to approve. The motion was seconded and carried 7/0.**

22
23 Dr. Wellikoff stated that he has seen an increase in courses submitted after the courses
24 have been offered.

25
26 The board requested staff to contact all approved providers and inform them the board
27 will no longer accept late courses. The board stated to place the continuing education
28 rule on the next agenda.

29
30 **Parker University – Chiropractic Nutrition Part I & II – Board Review**

31
32 Dr. Wellikoff provided an overview of the course submitted by Parker University.

33
34 **Dr. Heagy moved to approve. The motion was seconded and carried 7/0.**

35
36 **Parker University – Scuba Diving: Physiological Risks and the**
37 **Role of Chiropractic – Board Review**

38
39 Dr. Wellikoff provided an overview of the course submitted by Parker University.

40
41 **Dr. Heagy moved to deny for failure to meet the requirements in Rule 64B2-13.004,**
42 **F.A.C. The motion was seconded and carried 7/0.**

43
44 **University of Bridgeport – Integrative Cancer Care: Optimizing the**
45 **Biological Terrain and Supporting Healthy Function**

46
47 **Ms. Reynolds moved to deny for failure to meet the requirements in Rule 64B2-**

1 **13.004, F.A.C. The motion was seconded and carried 7/0.**

2
3 **University of Western States – Dry Needling Workshop**

4
5 **Dr. Fox moved to approve for acupuncture continuing education only. The motion**
6 **was seconded and carried 7/0.**

7
8 **Credentials – Dr. Wellikoff**

9
10 No report.

11
12 **General Board Business ended: 5:00 p.m.**

13 **Other Disciplinary Actions started: 5:00 p.m.**

14
15 **Disciplinary Compliance – Dr. Fogarty (cont.)**

16
17 **Timothy E. Johnson, D.C. – PRN Obligations, Contract and Status**

18
19 Dr. Johnson requested a continuance until the board meeting on June 6, 2014.

20
21 **Eduardo Jubis, D.C. – Case Number 08-18511 – Termination of**
22 **Probation**

23
24 Dr. Jubis was present but was not represented by counsel.

25
26 Dr. Wellikoff provided a brief overview of Dr. Jubis's progress.

27
28 Discussion ensued.

29
30 **Dr. Wellikoff moved to approve the request for termination of probation. The mo-**
31 **tion was seconded and carried 7/0.**

32
33 **Dennis C. Nobbe, D.C. – Case Number 07-16323 – Termination of**
34 **Probation**

35
36 Dr. Nobbe was present, sworn but was not represented by counsel.

37
38 Ms. Loucks provided a brief overview of Dr. Nobbe's progress.

39
40 Discussion ensued.

41
42 **Ms. Reynolds moved to approve the request for termination of probation. The mo-**
43 **tion was seconded and carried 7/0.**

44
45 **Other Disciplinary Actions ended: 5:08 p.m.**

46 **General Board Business started: 5:08 p.m.**

1
2 **Examination – Dr. Heagy**

- 3
4 • **NCBE Part IV test committee June 6&7, 2014.**

5
6 **Dr. Fogarty moved to allow Dr. Wellikoff to attend the NCBE, Part IV Test Com-**
7 **mittee on June 6&7, 2014. The motion was seconded and carried 7/0.**

- 8
9 • **NCBE – May 16-18, 2014 – sending two board members to assist in the proc-**
10 **essing of the examination.**

11
12 **Dr. Fogarty moved to allow Dr. Heagy and Dr. Fox to attend the NCBE in assisting**
13 **in the process of the examination being held May 16-18, 2014. The motion was sec-**
14 **onded and carried 7/0.**

15
16 The board staff to contact NCBE that Dr. Heagy and Dr. Fox will be attending. Also ask
17 NCBE if any additional meetings were scheduled for the board to attend.

- 18
19 • **National Board - November 14&15, 2014 Greely, NC**

20
21 **Dr. Wellikoff moved to allow Dr. Hunt to attend the NBCE on November 14 – 16,**
22 **2014. The motion was seconded and carried 7/0.**

- 23
24 • **September 3-7, 2014 – District 5 FCLB meeting**

25
26 **Dr. Wellikoff moved to allow Dr. Fogarty and Dr. Fox to attend the District 5 FCLB**
27 **meeting on September 3-7, 2014.**

28
29 **Healthy Weight – Dr. Hunt**

30
31 Dr. Hunt stated that he will be meeting in Tallahassee on July 14, 2014.

32
33 **Legislative – Dr. Heagy**

34
35 No report.

36
37 **Probable Cause – Drs. Fox/Heagy and Ms. Reynolds**

38
39 No report.

40
41 **Unlicensed Activity – Ms. Pelaez**

42
43 No report.

44
45 **NEXT MEETING DATE – June 6th – Orlando**

1 **General Business ended: 5:18 p.m.**
2
3 ADJOURNMENT
4
5 The meeting was adjourned 5:18 p.m.